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10 *Lead Counsel for Indirect Purchaser Plaintiffs*

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 IN RE OPTICAL DISK DRIVE PRODUCTS  
15 ANTITRUST LITIGATION

No. 3:10-md-2143 RS

STIPULATION AND [~~PROPOSED~~]  
ORDER REGARDING PRODUCTION  
OF EMAIL ADDRESSES BY NON-  
PARTY OFFICE DEPOT, INC.

DATE ACTION FILED: Oct. 27, 2009

18 This Document Relates to:

19 ALL INDIRECT PURCHASER ACTIONS  
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1 WHEREAS, on December 17, 2015, Indirect Purchaser Plaintiffs ("IPPs") filed their Notice  
 2 of Motion and Motion for Preliminary Approval of Settlements with Panasonic and NEC Defendant  
 3 Families ("Motion for Preliminary Approval"), seeking to delay notice and distribution until after  
 4 this Court's ruling on the forthcoming motion for class certification (ECF No. 1761);

5 WHEREAS, on January 19, 2016, this Court entered an order deferring formal ruling on  
 6 preliminary approval until after plaintiffs' submit (1) revised notice forms; (2) a notice dissemination  
 7 plan, and; (3) a proposed schedule, within 30 days of a ruling on the pending class certification  
 8 motion or a circuit court ruling on any Rule 23(f) petition, whichever is later (ECF No. 1773);

9 WHEREAS, on February 8, 2016, this Court entered an order granting IPPs' Renewed  
 10 Motion for Class Certification (ECF No. 1783);

11 WHEREAS, the certified class is defined as follows:

12 All persons and entities who, as residents of Arizona, California,  
 13 District of Columbia, Florida, Hawaii, Kansas, Maine, Massachusetts,  
 14 Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New  
 15 Hampshire, New Mexico, New York, North Carolina, Oregon,  
 16 Tennessee, Utah, Vermont, West Virginia and Wisconsin and during  
 17 the period April 2003 to December 2008, purchased new for their own  
 18 use and not for resale: (i) a computer with an internal ODD; (ii) a  
 stand-alone ODD designed for internal use in computers; or (iii) an  
 ODD designed to be attached externally to a computer. ODD refers to  
 a DVD-RW, DVD-ROM, or COMBO drive manufactured by one or  
 more Defendants or their coconspirators. Excluded from the class are  
 any purchases of Panasonic-branded computers.

19 WHEREAS, on June 10, 2016, the Ninth Circuit denied defendants' petition for permission  
 20 to appeal this Court's February 8, 2016 order granting class action certification;<sup>1</sup>

21 WHEREAS, Office Depot, Inc. ("Office Depot"), a third-party vendor of some products at  
 22 issue in this litigation, possesses email addresses for class members who have purchased such  
 23 products from Office Depot and Office Max; and,

24 WHEREAS, Gilardi & Co., LLC ("Gilardi") is the appointed Claims Administrator charged  
 25 with providing notice to the class and has submitted to and/or does hereby submit to the jurisdiction

26 <sup>1</sup> On February 22, 2016, defendants filed their Petition for Permission to Appeal the District  
 27 Court's Order granting IPPs' Renewed Motion for Class Certification and, on March 3, 2016, IPPs  
 28 filed their Opposition to Petition for Permission to Appeal the District Court's Order Granting  
 Certification.

1 of this Court;

2 NOW THEREFORE, IT IS HEREBY STIPULATED by and between the undersigned  
3 counsel for IPPs, Office Depot, and Gilardi, as follows:

4 1. Office Depot shall produce class member contact information, specifically email  
5 addresses, to Gilardi to be used for the sole purpose of providing notice to class members, as ordered  
6 by this Court, and only such email addresses of class members that are in Office Depot's possession;

7 2. Gilardi shall use such email addresses for the limited purpose of providing notice to  
8 class members, and shall otherwise hold such email addresses strictly confidential;

9 3. Gilardi shall not copy the email addresses and/or provide them to any other person or  
10 entity, except as is necessary to provide notice to class members; and,

11 4. Gilardi shall not retain the email addresses or any copies thereof for longer than is  
12 reasonably necessary to fulfill its duty of providing notice to class members, and shall destroy all  
13 email addresses and copies thereof as soon as they are no longer reasonably necessary for the limited  
14 purpose of providing notice to class members.

15 **IT IS SO STIPULATED.**

16 Respectfully submitted,

17 DATED: July 1, 2016

HAGENS BERMAN SOBOL SHAPIRO LLP

18 By   
19

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28 *Lead Counsel for Indirect  
Purchaser Plaintiffs*

1 DATED: July 1, 2016

GILARDI & CO., LLC

2  
3 By s/ [Signature]  
DANIEL BURKE

4 3301 Kerner Blvd.  
5 San Rafael, CA 94901  
6 Telephone: (855) 445-2734

7 DATED: July 1, 2016

OFFICE DEPOT, INC.

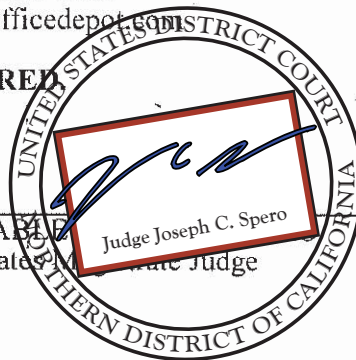
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13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14  
15 DATED: 8/1/16

16 HONORABLE  
17 United States District Judge  
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ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)

I, Shana E. Scarlett, attest that concurrence in the filing of this document has been obtained from all signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 1, 2016, at Berkeley, California



SHANA E. SCARLETT

